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SENATE BILL 890

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Steve Komadina

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING ADMINISTRATIVE SERVICE FEES; MAKING A DISTRIBUTION TO THE MOTOR VEHICLE SUSPENSE FUND; ADJUSTING CERTAIN DISTRIBUTIONS FROM THE MOTOR VEHICLE SUSPENSE FUND; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-2-16 NMSA 1978 (being Laws 1978, Chapter 35, Section 20, as amended) is amended to read:

"66-2-16. ADMINISTRATIVE SERVICE FEES-- COLLECTION-- REMITTANCE-- PAYMENT-- OPTIONAL SERVICE FEES-- APPROPRIATION. --

A. The secretary is authorized to establish by ~~[rule or]~~ regulation a schedule of administrative service fees to be collected by the agents or department to defray the costs of operation of the agents' or department's offices and of rendering service to the public. Fees shall be ~~[fifty cents~~

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1 ~~(\$50)~~ in an amount not to exceed five dollars (\$5.00) for
2 each ~~item or~~ transaction ~~or service~~ performed by the agent
3 or department for the secretary and shall be collected in
4 addition to all other fees and taxes imposed.

5 B. All sums collected by an agent or the department
6 as administrative service fees shall be remitted as provided in
7 Section 66-2-15 NMSA 1978.

8 C. Administrative service fees remitted by
9 department employees shall be deposited by the state treasurer
10 into the motor vehicle suspense fund and distributed in
11 accordance with Section 66-6-23 NMSA 1978.

12 D. Notwithstanding the provisions of Subsections A
13 through C of this section, ~~no~~ a class A county with a
14 population exceeding three hundred thousand or municipality
15 with a population exceeding three hundred thousand within a
16 class A county designated as an agent pursuant to Section
17 66-2-14.1 NMSA 1978 shall not be paid an administrative service
18 fee.

19 E. The secretary is authorized to establish by
20 regulation fees to cover the expense of providing additional
21 services for the convenience of the motoring public. Any
22 service established for which a fee is adopted pursuant to this
23 subsection shall be optional, with the fee not being charged to
24 any person not taking advantage of the service. Amounts
25 collected pursuant to this subsection are appropriated to the

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1 department for the purpose of defraying the expense of
2 providing the service.

3 F. The secretary shall review, at the end of each
4 fiscal year, the aggregate total of motor vehicle transactions
5 performed by each municipality, county or fee agent operating a
6 motor vehicle field office, and identify each office exceeding
7 ten thousand aggregate transactions per year."

8 Section 2. A new section of the Motor Vehicle Code is
9 enacted to read:

10 "[NEW MATERIAL] ROYALTIES--COMMERCIAL USERS OF MOTOR
11 VEHICLE-RELATED DATABASES--DISTRIBUTION TO MOTOR VEHICLE
12 SUSPENSE FUND.--The department shall remit royalties and other
13 consideration paid by commercial users of databases of motor
14 vehicle-related records of the department pursuant to
15 Subsection C of Section 14-3-15.1 NMSA 1978 to the motor
16 vehicle suspense fund to be distributed in accordance with
17 Section 66-6-23 NMSA 1978."

18 Section 3. Section 66-6-23 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 358, as amended) is amended to read:

20 "66-6-23. DISPOSITION OF FEES.--

21 A. After the necessary disbursements for refunds
22 and other purposes have been made, the money remaining in the
23 motor vehicle suspense fund, except for remittances received
24 within the previous two months that are unidentified as to
25 source or disposition, shall be distributed as follows:

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1 (1) to each municipality, county or fee agent
2 operating a motor vehicle field office:

3 (a) an amount equal to six dollars
4 (\$6.00) per driver's license and [~~three dollars (\$3.00)~~] five
5 dollars (\$5.00) per identification card or motor vehicle or
6 motorboat registration or title transaction performed; and

7 (b) for each such agent determined by
8 the secretary pursuant to Section 66-2-16 NMSA 1978 to have
9 performed ten thousand or more transactions in the preceding
10 fiscal year, other than a class A county with a population
11 exceeding three hundred thousand or a municipality with a
12 population exceeding three hundred thousand that has been
13 designated as an agent pursuant to Section 66-2-14.1 NMSA 1978,
14 an amount equal to one dollar (\$1.00) in addition to the amount
15 distributed pursuant to Subparagraph (a) of this paragraph for
16 each driver's license, identification card, motor vehicle
17 registration, motorboat registration or title transaction
18 performed;

19 (2) to each municipality or county, other than
20 a class A county with a population exceeding three hundred
21 thousand or a municipality with a population exceeding three
22 hundred thousand that has been designated as an agent pursuant
23 to Section 66-2-14.1 NMSA 1978, operating a motor vehicle field
24 office, an amount equal to [~~fifty cents (\$.50) for~~] each
25 administrative service fee remitted by that county or

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1 municipality to the department pursuant to the provisions of
2 Subsection A of Section 66-2-16 NMSA 1978;

3 (3) to the state road fund:

4 (a) an amount equal to the fees
5 collected pursuant to ~~[Section]~~ Sections 66-7-413 and
6 66-7-413.4 NMSA 1978;

7 (b) an amount equal to the fee collected
8 pursuant to Section 66-3-417 NMSA 1978;

9 (c) the remainder of each driver's
10 license fee collected by the department employees from an
11 applicant to whom a license is granted after deducting from the
12 driver's license fee the amount of the distribution authorized
13 in Paragraph (1) of this subsection with respect to that
14 collected driver's license fee; and

15 (d) an amount equal to fifty percent of
16 the fees collected pursuant to Section 66-6-19 NMSA 1978;

17 (4) to the local governments road fund, the
18 amount of the fees collected pursuant to Subsection B of
19 Section 66-5-33.1 NMSA 1978 and the remainder of the fees
20 collected pursuant to Subsection A of Section 66-5-408 NMSA
21 1978;

22 (5) to the department:

23 (a) any amounts reimbursed to the
24 department pursuant to Subsection C of Section 66-2-14.1 NMSA
25 1978;

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1 (b) an amount equal to two dollars
2 (\$2.00) of each motorcycle registration fee collected pursuant
3 to Section 66-6-1 NMSA 1978;

4 (c) an amount equal to the fees provided
5 for in Subsection D of Section 66-2-7 NMSA 1978, Subsection E
6 of Section 66-2-16 NMSA 1978, Subsections J and K of Section
7 66-3-6 NMSA 1978 other than the administrative fee, Subsection
8 C of Section 66-5-44 NMSA 1978 and Subsection B of Section
9 66-5-408 NMSA 1978;

10 (d) the amounts due to the department
11 for the manufacture and issuance of a special registration
12 plate collected pursuant to the section of law authorizing the
13 issuance of the specialty plate; ~~and~~

14 (e) an amount equal to the registration
15 fees collected pursuant to Section 66-6-6.1 NMSA 1978 for the
16 purposes of enforcing the provisions of the Mandatory Financial
17 Responsibility Act and for creating and maintaining a
18 multilanguage noncommercial driver's license testing program;
19 and after those purposes are met, the balance of the
20 registration fees shall be distributed to the department to
21 defray the costs of operating the division;

22 (f) an amount equal to fifty cents
23 (\$.50) for each administrative fee remitted to the department
24 by a county or municipality operating a motor vehicle field
25 office pursuant to Subsection A of Section 66-2-16 NMSA 1978;

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1 (g) an amount equal to one dollar
2 twenty-five cents (\$1.25) for each administrative fee collected
3 by the department or any of its agents other than a county or
4 municipality operating a motor vehicle field office pursuant to
5 Subsection A of Section 66-2-16 NMSA 1978; and

6 (h) an amount equal to the royalties or
7 other consideration paid by commercial users of databases of
8 motor vehicle-related records of the department pursuant to
9 Subsection C of Section 14-3-15.1 NMSA 1978 for the purpose of
10 defraying the costs of maintaining databases of motor vehicle-
11 related records of the department; and after that purpose is
12 met, the balance of the royalties and other consideration shall
13 be distributed to the department to defray the costs of
14 operating the division;

15 (6) to each New Mexico institution of higher
16 education, an amount equal to that part of the fees distributed
17 pursuant to Paragraph (2) of Subsection D of Section 66-3-416
18 NMSA 1978 proportionate to the number of special registration
19 plates issued in the name of the institution to all such
20 special registration plates issued in the name of all
21 institutions;

22 (7) to the armed forces veterans license fund,
23 the amount to be distributed pursuant to Paragraph (2) of
24 Subsection E of Section 66-3-419 NMSA 1978;

25 (8) to the children's trust fund, the amount

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1 to be distributed pursuant to Paragraph (2) of Subsection D of
2 Section 66-3-420 NMSA 1978;

3 (9) to the department of transportation, an
4 amount equal to the fees collected pursuant to Section 66-5-35
5 NMSA 1978;

6 (10) to the state equalization guarantee
7 distribution made annually pursuant to the general
8 appropriation act, an amount equal to one hundred percent of
9 the driver safety fee collected pursuant to Subsection D of
10 Section 66-5-44 NMSA 1978;

11 (11) to the motorcycle training fund, two
12 dollars (\$2.00) of each motorcycle registration fee collected
13 pursuant to Section 66-6-1 NMSA 1978;

14 (12) to the tire recycling fund:

15 (a) fifty cents (\$.50) of the tire
16 recycling fee collected pursuant to the provisions of Section
17 66-6-1 NMSA 1978;

18 (b) fifty cents (\$.50) of each of the
19 tire recycling fees collected pursuant to the provisions of
20 Sections 66-6-2 and 66-6-4 NMSA 1978; and

21 (c) twenty-five cents (\$.25) of each of
22 the tire recycling fees collected pursuant to Sections 66-6-5
23 and 66-6-8 NMSA 1978;

24 (13) to the highway infrastructure fund:

25 (a) fifty cents (\$.50) of the tire

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1 recycling fee collected pursuant to the provisions of Section
2 66-6-1 NMSA 1978;

3 (b) one dollar (\$1.00) of each of the
4 tire recycling fees collected pursuant to the provisions of
5 Sections 66-6-2 and 66-6-4 NMSA 1978; and

6 (c) twenty-five cents (\$.25) of each of
7 the tire recycling fees collected pursuant to Sections 66-6-5
8 and 66-6-8 NMSA 1978;

9 (14) to each county, an amount equal to fifty
10 percent of the fees collected pursuant to Section 66-6-19 NMSA
11 1978 multiplied by a fraction, the numerator of which is the
12 total mileage of public roads maintained by the county and the
13 denominator of which is the total mileage of public roads
14 maintained by all counties in the state;

15 (15) to the litter control and beautification
16 fund, an amount equal to the fees collected pursuant to Section
17 66-6-6.2 NMSA 1978; and

18 (16) to the local government division of the
19 department of finance and administration, an amount equal to
20 the fees collected pursuant to Section 66-3-424.3 NMSA 1978 for
21 distribution to each county to support animal control spaying
22 and neutering programs in an amount proportionate to the number
23 of residents of that county who have purchased pet care special
24 registration plates pursuant to Section 66-3-424.3 NMSA 1978.

25 B. The balance, exclusive of unidentified

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1 remittances, shall be distributed in accordance with Section
2 66-6-23.1 NMSA 1978.

3 C. If any of the paragraphs, subsections or
4 sections referred to in Subsection A of this section are
5 recompiled or otherwise redesignated without a corresponding
6 change to Subsection A of this section, the reference in
7 Subsection A of this section shall be construed to be the
8 recompiled or redesignated paragraph, subsection or section. "

9 Section 4. EFFECTIVE DATE. --The effective date of the
10 provisions of this act is July 1, 2005.

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